

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

BENJAMIN RESTO,

Defendant.

08 Cr.

:

08 CRIM.

757

x

COUNT ONE

The Grand Jury charges:

1. From in or about February 2008 through the present, in the Southern District of New York and elsewhere, BENJAMIN RESTO, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that BENJAMIN RESTO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(b)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others,

were committed in the Southern District of New York and elsewhere:

a. On or about February 26, 2008, BENJAMIN RESTO, the defendant, possessed cocaine in Manhattan.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing one or more of the controlled substance offense alleged in Count One of this Indictment, BENJAMIN RESTO, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Indictment.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

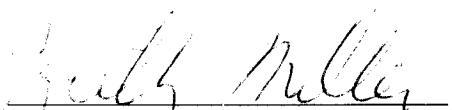
b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


Keith Miller
FOREPERSON


Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

08 Cr.

(21 U.S.C. § 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Keith Miller
Foreperson.
